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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/819,731	03/29/2001	Masayoshi Shimizu	826.1719	4353
21171	7590	02/24/2006	EXAMINER DESIRE, GREGORY M	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			ART UNIT 2627	PAPER NUMBER

DATE MAILED: 02/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20060207

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

1. Response to telephone communication with Mr. Randall Fisher (Applicant's representative) on 1/31/06, attached is a replacement of a previous office action mailed 12/1/05.
2. The period for response of three (3) months set in said office action is restarted to begin with the mailing date of this letter.
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory M. Desire whose telephone number is (571) 272-7449. The examiner can normally be reached on M-F (6:30-3:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gmd
2/7/06

Gregory Desire
Patent Examiner

**MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**

Office Action Summary	Application No. 09/819,731	Applicant(s) SHIMIZU ET AL.	
	Examiner Gregory M. Desire	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-17 and 24-25 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 5-7, 24 and 25 is/are allowed.
- 6) ☒ Claim(s) 8-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. <u>1/31/06</u> |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communication filed 8/24/05.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8-12, and 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima in view of Yanagida and further view of Shiiyama.

Regarding claims 8 and 15-17 Nakajima discloses,

A user corrected image-obtaining unit outputting a predetermined image (note col. 19 lines 31-35, nine different adjustment patterns examiner interprets as two or more correction levels), and allowing a user to correct the output image (note col. 19 lines 35-48, user selects a preferred corrected image)

Image correction unit, correcting an image to be corrected which is different from the predetermined image based on a correction result of the user (Once a adjustment value is set automatic correction of the level occurs, thus correcting an image to be corrected different from predetermined image (note col. 31 lines 1-6). Nakajima is silent disclosing a correction preferred by a group of people. However, Yanagida discloses designating device, designating an individual or group. Therefore it would have been obvious to one having ordinary skills in the art to include designating device of Yanagida

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in the system of Nakajima. Nakajima teaches a user correcting images and selecting preferences. Yanagida in the same field of endeavor allows for a simple way for designating image processing (note col. 1 lines 60-65).

Nakajima and Yanagida do not clearly disclose output of predetermined image widely preferred among a large number of people. Shiiyama discloses output image based on number of votes (note col. 4 lines 1-10). Nakajima, Yanagida and Shiiyama are combinable because they disclose storing image data. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to select an image widely preferred among a large number of people in the system of Nakajima and Yanagida as evidenced by Shiiyama. The suggestion/motivation for doing so would have been sorting display image results giving priority to frequently viewed images (note col. 1 lines 25-30). Therefore it would have been obvious to combine Nakajima and Yanagida with Shiiyama to obtain the invention as specified in the above claim.

Regarding claim 9 Nakajima, Yanagida and Shiiyama discloses,

Wherein said user preference obtaining unit outputs images at two or more correction levels corresponding to the plurality of given images to allow the user to select preferred corrected images (note Nakajima fig. 24a and 24b in connection with col. 20 lines 40-50). Nine thumbnail images correspond to the two or more correction levels and block 165 (scene) provides plurality of given images to allow the user to select preferred corrected images.

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Regarding claim 10 Nakajima, Yanagida and Shiiyama discloses,

Wherein said plurality or given images are different in type (note Nakajima col. 20 lines 48-50, shows image different in type), and said user preference obtaining unit allows the user to select preferred corrected image corresponding to each type (note Nakajima col. 20 line 44-47).

Regarding claim 11 Nakajima, Yanagida and Shiiyama discloses,

A user specified image input unit receiving a user specified image as the given image (note Nakajima fig. 24b block 165 and col. 20 lines 40-45, sample is user specified image input unit receiving a user specified image).

Regarding claims 12 Nakajima, Yanagida and Shiiyama discloses,

Wherein said given image is stored in advance in an image correction unit as an image of quality generally preferred by a large number of users (note Nakajima col. 20 line 18-20, lines cite image prepared beforehand).

Regarding claim 14 Nakajima, Yanagida and Shiiyama discloses,

Wherein said user preference obtaining unit prints and outputs images at two or more correction level (note Nakajima col. 19 lines 38-40, user prints nine images of different adjusting parameters (two or more correction levels); and

Apparatus further comprises an image-printing unit printing and outputting an image to be corrected, which has actually been corrected by said image correction unit (note Nakajima col. 19 lines 41-48).

4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakajima and Yanagida in view of Kanno et al (6,577,761).

Regarding claim 13 Nakajima, Yanagida and Shiiyama are silent disclosing,

Wherein said user preference obtaining unit requests a user to input a user identifier for identification of the user, and allows each user to select a preferred corrected image. However, Kanno discloses user inputs identifier and allows each user to select a preferred corrected image (note col. 12 lines 42-47 and 54-60, user inputs user identification, allows user to select an output image).

Therefore it would have been obvious to one having ordinary skills in the art to include user identification in the system of Nakajima, Yanagida and Shiiyama as evidenced by Kanno. Nakajima as modified teach user selection of a corrected preferred image and setting the select preference for other images. Kanno in the same field of endeavor identifies specific user of an output image, thus providing and maintaining the preference of a specific user of a system operated by many user (note col. 1 lines 61-66).

Allowable Subject Matter

5. Claims 1-3, 5-7 and 24-25 are allowed.

6. The following is an examiner's statement of reasons for allowance: for independent claims 1, 24 and 25. The prior art fails to teach a plurality of corrected image variation of a given image, the variation corrected images including one representing the corrected image of a quality preferred widely among a large number of people and having been stored in said image correction apparatus. Claims 2-3 and 5-7 depend on claim1. Therefore are also allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

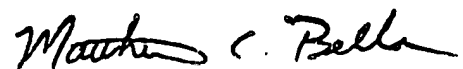
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Gregory M. Desire
Examiner
Art Unit 2627

G.D.
February 7, 2006



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